

hearing on the motion for preliminary injunction, default was noted and judgment was entered, ordering that the defendant and all acting upon his behalf be perpetually enjoined and restrained from in any manner or by any device, directly or indirectly, shipping or preparing for shipment in interstate commerce bakery products which the defendant had manufactured.

4728. Adulteration of bakery products. U. S. v. The Cortland Baking Co. Plea of guilty. Fine, \$500. (F. D. C. No. 8776. Sample Nos. 17859-F, 17861-F, 17862-F, 17868-F, 17871-F.)

Hair fragments resembling rodent hairs, insect fragments, and small pieces of wood were found in samples taken from these products.

On February 24, 1943, the United States attorney for the Northern District of New York filed an information against the Cortland Baking Co., a corporation, at Cortland, N. Y., alleging shipment on or about October 8, 1942, from the State of New York into the State of Pennsylvania of a quantity of bakery products that were adulterated in that they consisted in whole or in part of filthy substances, and in that they had been prepared under insanitary conditions whereby they may have become contaminated with filth. The articles were labeled in part: "Cobakco Bread Old Fashioned Rye [or "White Sliced," "Pioneer Brand," "Delicious Cookies," or "Donuts"]."

On May 4, 1943, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$500.

4729. Adulteration and misbranding of pies. U. S. v. 1,376 Cellophane-Wrapped Pies. Default decree of condemnation and destruction. (F. D. C. No. 9478. Sample No. 17100-F.)

On March 4, 1943, the United States attorney for the Eastern District of New York filed a libel against 1,376 cellophane-wrapped pies at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about February 23, 1943, by Darcy's Pies from Chicopee Falls, Mass.; and charging that it was adulterated and misbranded. The article was labeled in part: "A Grand Pie 5¢ Pineapple."

The article was alleged to be adulterated in that a valuable constituent, pineapple, had been in whole or in part omitted therefrom, and in that pie filling consisting essentially of artificially colored cornstarch paste with little or no fruit, had been substituted wholly or in part for pineapple filling.

The article was alleged to be misbranded in that the statement "A Grand Pie * * * Pineapple" was false and misleading as applied to a pie containing a filling consisting essentially of artificially colored cornstarch paste with little or no fruit.

On April 1, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4730. Adulteration of ginger snaps and macaroon snaps. U. S. v. 23 Cases of Ginger Snaps and 49 Cases of Macaroon Snaps. Default decrees of condemnation and destruction. (F. D. C. No. 9092. Sample Nos. 4479-F, 4480-F.)

These products contained rodent hairs.

On December 29, 1942, the United States attorney for the Middle District of Tennessee filed libels against 49 cases, each containing 25 pounds, of macaroons and 23 cases, each containing 28½ pounds, of ginger snaps at Nashville, Tenn., alleging that the articles had been shipped in interstate commerce on or about November 14, 1942, by the Runkle Co., from Kenton, Ohio; and charging that they were adulterated in that they consisted in whole or in part of filthy substances, and in that they had been prepared under insanitary conditions whereby they might have become contaminated with filth.

On February 11, 1943, no claimant having appeared, judgments of condemnation were entered and the products were ordered destroyed.

4731. Misbranding of cookies and macaroons. U. S. v. 21 Boxes of Cookies and 22 Boxes of Macaroons. Default decree of condemnation. Products ordered distributed to charitable institutions. (F. D. C. No. 9196. Sample Nos. 18719-F, 18720-F.)

These products were short of the declared weight.

On or about January 18, 1943, the United States attorney for the District of Connecticut filed a libel against 21 boxes of cookies and 22 boxes of macaroons at Bridgeport, Conn., alleging that the articles had been shipped in interstate commerce on or about November 12, 1942, by the Liberty Brand Cookie Co., Inc., from Corona, Long Island, N. Y.; and charging that they were misbranded in

that the label statements "Net weight 8 oz." and "Net 8 oz." were false and misleading as applied to articles that were short-weight and in that they were in package form and did not bear labels containing an accurate statement of the quantity of the contents.

On March 4, 1943, no claimant having appeared, judgment of condemnation was entered and the products were ordered distributed to charitable institutions.

4732. Adulteration of ice cream cones. U. S. v. 8 Cartons of Ice Cream Cones (and 3 additional seizure actions against ice cream cones.) Default decrees of condemnation and destruction. (F. D. C. Nos. 9198, 9199, 9394, 9395. Sample Nos. 9930-F, 9931-F, 28465-F, 28467-F, 28685-F, 28686-F.)

This product contained rodent hairs, insect fragments, hair fragments resembling rodent or cat hairs, larvae, and weevils.

Between January 18 and February 20, 1943, the United States attorneys for the Southern District of Florida, the Eastern District of Louisiana, and the Middle District of North Carolina filed libels against 30 cases of ice cream cones at Jacksonville, Fla., 493 cases of ice cream cones at New Orleans, La., and 50 cases of ice cream cones at Burlington, N. C., alleging that the article had been shipped in interstate commerce within the period from on or about December 15, 1942, to January 22, 1943, by the Maryland Baking Co. from Atlanta, Ga.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth. The article was labeled in part: "Flavorized Flare Tops Drippless Cake Cones," "Duble Heder Ice Cream Cones," or "Torch Cup Cake Cones."

Between March 4 and April 9, 1943, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

4733. Adulteration of ice cream cones. U. S. v. 10 Cans of Ice Cream Cones. Default decree of condemnation and destruction. (F. D. C. No. 9257. Sample No. 28289-F.)

This product contained insect fragments, whole insect larvae, and rodent hair fragments.

On January 27, 1943, the United States attorney for the Middle District of Alabama filed a libel against 10 cans, each containing 333 ice cream cones, at Dothan, Ala., alleging that the article had been shipped in interstate commerce on or about April 30 and October 18, 1942, by the Purity Cone Co. from Jacksonville, Fla.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

On March 20, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4734. Misbranding of graham crackers. U. S. v. 82 Cartons of Grahams. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. D. C. No. 9224. Sample No. 6352-F.)

This product was short of the declared weight.

On January 20, 1943, the United States attorney for the Eastern District of Missouri filed a libel against 82 cartons, each containing 6 packages, of graham crackers at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about December 9, 1942, by Thomas and Clarke, Inc., from Peoria, Ill.; and charging that it was misbranded in that the statement "Net Weight Two Pounds" was false and misleading as applied to an article that was short-weight, and in that it was in package form and failed to bear a label containing an accurate statement of the quantity of the contents. The article was labeled in part: (Packages) "Evergood Graham * * * Net Weight Two Pounds."

On February 12, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

MISCELLANEOUS CEREAL PRODUCTS

4735. Adulteration of egg noodles. U. S. v. Antonio J. Pereira and Joseph Rodrigues (Luso-American Macaroni Manufacturing Company). Pleas of guilty. Fines, \$100. (F. D. C. No. 8835. Sample Nos. 19459-F, 19900-F.)

On April 30, 1943, the United States attorney for the District of Massachusetts filed an information against Antonio J. Pereira and Joseph Rodrigues, trading as co-partners under the firm name of Luso-American Macaroni Manufacturing Co. at Fall River, Mass., alleging shipment on or about October 5 and